

## § 1160.24

firms from those industries, and design the meeting agenda and background materials. Anyone wishing to apply for such a workshop should direct their inquiry to the Assistant Secretary for Technology Policy, Technology Administration, room 4818, Herbert C. Hoover Building, U.S. Department of Commerce, Washington, DC 20230.

(d) All workshops will be held on a fee basis at no cost to the Department.

## § 1160.24 Antitrust considerations.

(a) The Department of Commerce will offer no opinion on the antitrust merits of the formation of any proposed Strategic Partnership. The Department may seek an opinion from the Antitrust Division of the Department of Justice as to whether a proposed Strategic Partnership would raise antitrust issues. Furthermore, the role played by the Department of Commerce confers no special immunity to any given Strategic Partnership.

(b) Strategic Partnerships may be formed without any consultation with or involvement by the Department of Commerce; the purpose of the Strategic Partnership Initiative is to make the private sector aware of this vehicle and, where requested, conduct workshops to discuss the formation of such partnerships in general. Commerce will not select the technologies, the number of partnerships, or the specific firms in a given partnership.

## § 1160.25 Coordination/cooperation with other Federal agencies.

Where relevant, the Department may seek the cooperation of other Federal agencies and laboratories that may be of assistance to Strategic Partnerships.

## § 1160.26 Proprietary data.

All persons making a request under this part are cautioned that data submitted to the Department may be available for dissemination under the Freedom of Information Act. The Department, however, would withhold any information it deemed proprietary (confidential commercial or financial) on the basis of 5 U.S.C. 552(b)(4). The Department will consult with the submitter of any data requested under the Act, prior to release of such information, if the data is clearly marked

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“Company Confidential.” (See 15 CFR 4.7).

## § 1160.27 Amendment of procedures.

The right to amend or withdraw these procedures is expressly reserved.

## PART 1170—METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

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1170.7–1170.199 [Reserved]

AUTHORITY: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a, DOO 10–17 and DOO 10–18.

SOURCE: 56 FR 160, Jan. 2, 1991, unless otherwise noted. Redesignated at 56 FR 41283, Aug. 20, 1991.

## § 1170.1 Purpose.

To provide policy direction for Federal agencies in their transition to use of the metric system of measurement.

## § 1170.2 Definition.

*Metric system* means the International System of Units (SI) established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978.

*Other business-related activities* means measurement sensitive commercial or business directed transactions or programs, *i.e.*, standard or specification development, publications, or agency statements of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency. “Measurement sensitive” means the choice of measurement unit is a critical component of the activity, *i.e.*, an agency rule/regulation to collect samples or measure something at specific distances or to specific depths, specifications requiring intake or discharge of a product to certain volumes or flow

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rates, guidelines for clearances between objects for safety, security or environmental purposes, etc.

### § 1170.3 General policy.

The Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, section 5164) amended the Metric Conversion Act of 1975 to, among other things, require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(a) The Secretary of Commerce will appoint a Commerce Department Under Secretary to assist in coordinating the efforts of Federal agencies in meeting their obligations under the Metric Conversion Act, as amended.

(b) Federal agencies shall coordinate and plan for the use of the metric system in their procurements, grants and other business-related activities consistent with the requirements of the Metric Conversion Act, as amended. Federal agencies shall encourage and support an environment which will facilitate the transition process. When taking initiatives, they shall give due consideration to known effects of their actions on State and local governments and the private sector, paying particular attention to effects on small business.

(c) Each Federal agency shall be responsible for developing plans, establishing necessary organizational structure, and allocating appropriate resources to carry out this policy.

### § 1170.4 Guidelines.

Each agency shall:

(a) Establish plans and dates for use of the metric system in procurements, grants and other business-related activities;

(b) Coordinate metric transition plans with other Federal agencies, State and local governments and the private sector;

(c) Require maximum practical use of metric in areas where Federal procurement and activity represents a predominant influence on industry standards (e.g.: weapon systems or space exploration). Strongly encourage metrication in industry standards where Federal procurement and activity is not the predominant influence, consistent with the legal status of the metric system as *the preferred system of weights and measures for United States trade and commerce*;

(d) Assist in resolving metric-related problems brought to the attention of the agency that are associated with agency actions, activities or programs undertaken in compliance with these guidelines or other laws or regulations;

(e) Identify measurement-sensitive agency policies and procedures and ensure that regulations, standards, specifications, procurement policies and appropriate legislative proposals are updated to remove barriers to transition to the metric system;

(f) Consider cost effects of metric use in setting agency policies, programs and actions and determine criteria for the assessment of their economic feasibility. Such criteria should appropriately weigh both agency costs and national economic benefits related to changing to the use of metric;

(g) Provide for full public involvement and timely information about significant metrication policies, programs and actions;

(h) Seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in agency publications;

(i) Consider, particularly, the effects of agency metric policies and practices on small business; and

(j) Consistent with the Federal Acquisition Regulation System (48 CFR), accept, without prejudice, products and services dimensioned in metric when they are offered at competitive prices and meet the needs of the Government, and ensure that acquisition planning considers metric requirements.

### § 1170.5 Recommendations for agency organization.

Each agency shall: